

Notice of Allowability

Application No.

10/790,227

Examiner

Rodney B. White

Applicant(s)

PAL ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to THE Interviews on 02/22/2006 and 02/23/2006.
2. ☒ The allowed claim(s) is/are 1-3, 10-11, 4, 12, 5-9, and 13-20, renumbered 1-20 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David L. Tarnoff (#32,383) on 02/22/2006 and 02/24/2006.

The application has been amended as follows:

In the Claims:

1. (Currently Amended) A vehicle headrest apparatus comprising:
a headrest unit including left and right headrest members dividing the headrest unit approximately midway in a transverse direction and a mounting member ~~configured to swingably couple~~ coupling the left and right headrest members to an upper end part of a seatback by the mounting member, the left and right headrest members being adapted ~~configured~~ to support a seated passenger;
a head restraining member operatively coupled to the left and right headrest members and movable to move upward and toward a frontward of a vehicle ~~to move upward and toward a frontward of a vehicle~~ in a deployment direction;

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a swing/pushup force applying device ~~configured and arranged to applying~~ an urging force to ~~swing~~ the left and right headrest members, the urging force swinging the left and right headrest members upward and toward the frontward of the vehicle in the deployment direction of the head restraining member during deployment of the left and right headrest members;

an auxiliary force adding device ~~configured and arranged to applying~~ an auxiliary urging force to the left and right headrest members in the deployment direction of the head restraining member during deployment of the left and right headrest members;

a lock device operatively coupled to the left and right headrest members, the lock device holding to hold the left and right headrest members in an initial storage position against the urging force applied by the swing/pushup force applying device and the auxiliary urging force applied by the auxiliary force adding device; and

a controller operatively coupled to the lock device, the controller releasing to release the lock device upon detecting a rear-end collision.

20. (Currently Amended) A vehicle headrest apparatus comprising:

headrest support means for mounting to an upper end part of a seatback and ~~for supporting~~ adapted to support a seated passenger's head;

headrest deployment means swingably coupled to the headrest support means between initial storage positions and fully swung forward states;

head restraining means for supporting the passenger's head when a rear end collision occurs, the head restraining means being coupled between the headrest deployment means;

swing/pushup force applying means for applying an urging force to the headrest deployment means, the urging force ~~to~~ moves the head restraining means upward and ~~toward a frontward of a vehicle~~ in a deployment direction of the head restraining means during deployment of the headrest deployment means;

auxiliary force adding device means for applying an auxiliary urging force to the headrest deployment means in the deployment direction of the head restraining means during deployment of the headrest deployment means;

lock means for holding the headrest deployment means in the initial storage positions against the urging force applied by the swing/pushup force applying means and the auxiliary urging force applied by the auxiliary force adding means; and

control means for releasing the lock device upon detecting a rear-end collision.

The following is an examiner's statement of reasons for allowance: In Claim 30 of Pal et al (U.S. Patent No. 6,863,343 B2), a commonly owned patent which was used in a double patent rejection, the tensioning device operatively coupled to the vertical support portion to apply tension in at least a part of the vertical support portion of the head restraining member when the left and right headrest members are in a swung

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forward state is not the same as the auxiliary force adding device that applies an auxiliary urging force to the left and right headrest members in the deployment direction of the head restraining member. The key difference is that the auxiliary force adding device functions during deployment of the left and right headrest members whereas the tensioning device applies the tension to at least part of the vertical support portion of the head restraining member when the left and right headrest members are already in the swung forward or deployed state.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

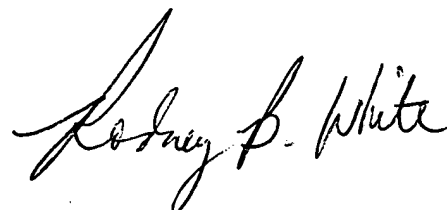
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,
Patent Examiner
Art Unit 3636
February 23, 2006



RODNEY B. WHITE
PRIMARY EXAMINER